

No. __ - ____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSE ESTRADA-CORRALES,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

APPENDIX

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 District of Texas

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APPENDIX A

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

JOSE ESTRADA-CORRALES

Case Number: 4:17-CR-00062-O(01)
U.S. Marshal's No.: 51777-279
J. Michael Worley, Assistant U.S. Attorney
William Hermesmeier, Attorney for the Defendant

On May 10, 2017 the defendant, JOSE ESTRADA-CORRALES, entered a plea of guilty as to Count One of the Indictment filed on April 12, 2017. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

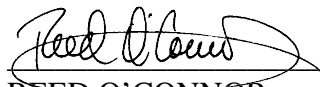
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §1326(a) and (b)(1)/(2)	Illegal Reentry After Deportation	March 8, 2017	One

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 as to Count One of the Indictment filed on April 12, 2017.

The defendant shall notify the United States Attorney for this district within thirty days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Sentence imposed September 5, 2017.



REED O'CONNOR
U.S. DISTRICT JUDGE

Signed September 8, 2017.

Judgment in a Criminal Case

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Defendant: JOSE ESTRADA-CORRALES

Case Number: 4:17-CR-00062-O(1)

IMPRISONMENT

The defendant, JOSE ESTRADA-CORRALES, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **Forty-Six (46) months** as to Count One of the Indictment filed on April 12, 2017 to run consecutively to any future sentence imposed for Possession of a Controlled Substance, under Case No. 1477359D, in the 432nd District Court of Tarrant County, Texas.

The defendant is remanded to the custody of the United States Marshal.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **Three (3) years** as to Count One of the Indictment filed on April 12, 2017.

As a condition of supervised release, upon the completion of the sentence of imprisonment, the defendant shall be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 USC § 1101 et seq. As a further condition of supervised release, if ordered deported or removed, the defendant shall remain outside the United States.

In the event the defendant is not deported immediately upon release from imprisonment, or should the defendant ever be within the United States during any portion of the term of supervised release, the defendant shall also comply with the standard conditions contained in the Judgment and shall comply with the mandatory and special conditions stated herein:

While on supervised release, in compliance with the standard conditions of supervision adopted by the United States Sentencing Commission, the defendant shall:

- (1) not leave the judicial district without the permission of the Court or probation officer;
- (2) report to the probation officer as directed by the Court or probation officer and submit a truthful and complete written report within the first five (5) days of each month;
- (3) answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (4) support the defendant's dependents and meet other family responsibilities;
- (5) work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) notify the probation officer within seventy-two (72) hours of any change in residence or employment;
- (7) refrain from excessive use of alcohol and not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- (8) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (9) not associate with any persons engaged in criminal activity and not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- (10) permit a probation officer to visit the defendant at any time at home or elsewhere and permit confiscation of any contraband observed in plain view by the probation officer;

Judgment in a Criminal Case

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Defendant: JOSE ESTRADA-CORRALES

Case Number: 4:17-CR-00062-O(1)

- (11) notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- (12) not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and,
- (13) notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement, as directed by the probation officer.

In addition the defendant shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

cooperate in the collection of DNA as directed by the U.S. probation officer; and,

report in person to the U.S. Probation Office in the district to which the defendant is released from custody of the Federal Bureau of Prisons, or in which the defendant makes entry into the United States, within 72 hours of release or entry.

FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

Judgment in a Criminal Case

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Defendant: JOSE ESTRADA-CORRALES

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RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

United States Marshal

BY _____
Deputy Marshal

APPENDIX B

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 10, 2018

Lyle W. Cayce
Clerk

No. 17-11087
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ESTRADA-CORRALES,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CR-62-1

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Jose Estrada-Corrales challenges the 46-month sentence imposed following his guilty plea conviction for illegal reentry. He contends that his sentence is procedurally unreasonable because the district court did not adequately explain its reasons for rejecting his arguments for a sentence at the low end of the applicable 37-to-46-month guidelines range of imprisonment.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Because Estrada-Corrales did not object to the sufficiency of the district court's reasons for the sentence it imposed, our review is for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir. 2009). For sentences within the guidelines range, little explanation is necessary; however, when parties present nonfrivolous or legitimate reasons for imposing a different sentence, "the judge will normally go further and explain why he has rejected those arguments." *Rita v. United States*, 551 U.S. 338, 356-57 (2007).

Here, the district court did not plainly err with respect to the sufficiency of its explanation for the sentence it imposed. The record reflects that the court considered Estrada-Corrales's arguments for a sentence at the low end of the guidelines range, including that he essentially grew up in the United States and that his longest prior criminal sentence was one year, and it considered his request that the sentence be ordered to run concurrently with his pending state case. When imposing the 46-month sentence, the court expressly noted that it had taken into account "all of the fact[s] and circumstances," including Estrada-Corrales's admitted-to conduct, and the court stated its belief that the sentence was "sufficient, but not greater than necessary, to comply with the statutory purposes . . . of sentencing." Thus, the record reflects that the court considered all the evidence and arguments but simply found the circumstances insufficient to warrant a lesser sentence in light of the Guidelines and the 18 U.S.C. § 3553(a) factors. *See Rita*, 551 U.S. at 358-59. The district court's failure to give additional reasons does not constitute plain error. In addition, to show that the purported failure to give adequate reasons affected his substantial rights, Estrada-Corrales must show that it affected the outcome, i.e., that further explanation would have resulted in a lesser sentence. *See United States v. Martinez*, 872 F.3d 293, 303 (5th Cir. 2017); *Mondragon-Santiago*, 564 F.3d at 364-65. He makes no such showing.

AFFIRMED.